



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-103

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

There are numerous structural problems in the rule. The text of the rule should be rewritten as follows:

SECTION 1. NR 45.04 (1) (g) and Note are repealed.

SECTION 2. NR 45.045 is created to read:

NR 45.045 FIREWOOD. (1) In this section, “firewood” includes limbs, branches, roots, unprocessed logs, lumber, slabs with bark, cut firewood, and chips intended for use on any property.

(2) No person may possess firewood that originates from any of the following:

(a) An area more than 25 miles from the property to which the firewood will be transported. [Note: There appears to be no need to make a specific statement regarding a campground; a campground is included in the notion of property.]

(b) An area outside the borders of this state.

(c) An area, outside of the property on which firewood will be used, where firewood is identified as a carrier of invasive terrestrial

invertebrates and plant-disease causing microorganisms, including any of the following:

1. An area that is in a zone of infestation designated by the department under s. 26.30 (7), Stats.
 2. An area quarantined by the department of agriculture, trade and consumer protection under s. 94.01, Stats.
 3. An area quarantined by the U.S. department of agriculture and animal and plant health inspection service under 7 USC 7714 or 7715.
 4. An area quarantined by an American Indian tribe within the reservation of the tribe.
- (d) This section does not apply to firewood from sources approved by the department of agriculture, trade and consumer protection, to dimensional lumber that is debarked, kiln dried, and smoothed, or to artificial fireplace logs.
- (e) The department may seize and dispose of firewood possessed in violation of this section.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In item 9. of the rule preface, the word “then” in the third sentence should be replaced by the word “than.”